



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

ORIGINAL



SEMS DocID 2255708

**INFORMATION REQUEST**

**URGENT LEGAL MATTER: PROMPT REPLY REQUESTED**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

JAN 31 2011

Sims Metal Management  
Legal Department  
3220 Deepwater Terminal Road  
Richmond, VA 23234

**Re: Peck Iron and Metal Site**  
**Portsmouth, Virginia**

Dear Sir or Madam:

EPA has obtained information which suggests that Sims Metal Management (hereinafter, "you" and "your company") owned and operated a scrap materials recycling business that may have allowed for the disposal of scrap materials which may have contained hazardous substances, pollutants and/or contaminants at the former Peck Iron and Metal Site at 3850 Elm Avenue in Portsmouth, Virginia (the "Site").

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. §9604(e), EPA has the authority to require your company to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of your company's employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. §9601(33), which were transported to, stored, treated, or disposed of at the former Peck Iron and Metal Site.

Section 104(e) of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject your company to criminal penalties under 18 U.S.C. §1001. The information your company provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

### **INSTRUCTIONS**

1. Your company is entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject your company to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 1, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 1. Those terms shall have the meaning set forth in Enclosure 1 any time such terms are used in this Information Request and/or its Enclosures.

### **DEFINITIONS**

Please use the following definitions in interpreting the questions and requests for documents in this Information Request:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any," as in "any documents" for example, shall mean "any and all."

3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, ... minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
4. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
5. The term "hazardous substance" shall have the same definition as that contained in Subsection 101 (14) of CERCLA, 42 U.S.C. § 9601 (14), and includes any mixtures of such hazardous substances with any other substances. The hazardous substances are listed at 40 C.F.R. § 302.4.
6. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004 (5) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6903(5), and 40 C.F.R. Part 261.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
9. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

10. The term "identify" means, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
11. The terms "includes," or "including" shall not be construed as words of limitation; that is, they shall be construed such that the phrases "without limitation" or "but not limited to" are implied, unless such phrases are already in place. For example, "including x, y, and z" would be construed as "including without limitation x, y, and z" or as "including, but not limited to, x, y and z," but the phrase "including without limitation x, y and z" would be construed as it reads.
12. The terms "the company" or "your company" refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.
13. The term "Peck Iron and Metal Co." shall mean the corporation known as Peck Iron and Metal Co., Inc., as well as Peck Recycling, and any other company controlled by Julius S. Peck, B. David Peck or Aaron Peck and operating at the Site.
14. The term "person" shall mean an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body. See Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
15. The term "pollutant or contaminant," shall have the same definition as that contained in Subsection 101 (33) of CERCLA, 42 U.S.C. § 9601 (33), and includes any mixtures of such pollutants and contaminants with any other substances.
16. The term "property interest" means any interest in property including but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
17. The term "recyclable material" has the same definition as contained in 42 U.S.C. § 9627, and means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include: 1) shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or 2) any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

18. The term "release" has the same definition as that contained in Subsection 101 (22) of CERCLA, 42 U.S.C. § 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
19. The term "scrap metal" shall have the same definition contained in 42 U.S.C. § 9627 and shall mean bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the EPA Administrator excludes from this definition by regulation.
20. The terms "Site" shall mean the Peck Iron and Metal Co. facility located at 3850 Elm Avenue in Portsmouth, Virginia. The Site shall include, without limitation, the surface of the property, the subsurface, and the groundwater. The borders of the Site are depicted on the enclosed map (Exhibit 3).
21. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside its scope.
22. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, or 40 C.F.R. Part 300, in which case the statutory or regulatory definitions shall apply.

### **INFORMATION REQUESTS**

Information uncovered during the Responsible Party Search for the Site indicates that The Bird Group of Companies LTD owned and operated a scrap materials recycling business on the Site during the period of 1975 to 1979. For the following questions which relate to transactions involving scrap metals, or other scrap materials, provide the requested information, and also provide copies of any documents that contain any information that is related to each response:

1. Is Sims Metal Management the successor to all liabilities, including those under CERCLA, of The Bird Group of Companies LTD ("Bird")? If your answer to number (1) above is "no," respond fully to the following questions:
  - a. Describe in detail your past and current relationship with Bird and its former facility located at 3850 Elm Avenue in Portsmouth, Virginia.
  - b. State the dates during which you owned, operated or leased the Portsmouth facility and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement. Be sure to describe the specific real estate and/or buildings to which each deed or lease relates and the activities undertaken at the facilities by you. Describe your reason(s) for owning or operating the facilities and all activities undertaken at the facility by you for the

period of 1975-1979. Identify the prior owners and operators, including lessors, of the facilities. For each such owner, operator, identify the dates of ownership, operation and the nature of prior operations at the facilities. Submit a copy of all documents relating to the ownership, operation or leasing of the facilities identified.

- c. Did you sell or otherwise divest yourself of any stock, assets, or other interest in Bird or any other company, which operated at the above-identified facility?
  - d. If the answer to (c) is "yes," fully describe the nature of the transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. If the answer to (c) is "yes," identify who retained the liabilities for events occurring prior to the transaction.
2. If you had any changes in company name, ownership or structure or have obtained an interest in or dissolved yourself of an interest in any other corporation, subsidiary, division or other entity concerning this facility, identify such transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transactions including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
3. Identify all changes in ownership relating to the facility from 1975 to the present including the date of the change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it is requested that you provide the full corporate name, the state of incorporation, and all fictitious names used/held by that corporation.
- a. For each owner that is a subsidiary of another corporation, provide a chart that details the corporate structure that operated at the facility through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" is the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.
  - b. For each change in ownership, describe the type of change, i.e., asset purchase, corporate merger or name change, as well as the date of the change in ownership.
  - c. For all corporate mergers identified, please provide a copy of the merger document.

d. For all asset purchases identified, please provide the following:

- 1) Provide a copy of any agreement(s) of sale as well as all attachments and amendments to such agreement(s) of sale, including related agreements such as exclusive service contracts, not to compete agreements or consulting agreements, that document each asset sold, including, without limitation, customer lists, real estate, buildings, and inventory as well as the consideration paid for each and every asset.
- 2) Identify all consideration paid for the assets. In identifying the consideration, provide the amount paid in cash, the amount paid in promissory notes or other form of debenture payable to the entity and/or officers, directors and/or shareholders of the entity selling the assets, the value associated with the assumption of liabilities (if assumption of liabilities are involved; you are also to identify the types of liabilities assumed), the value associated with the performance of services, the value associated with shares of stock exchanged as part of the sale, and the type and value associated with any other form of consideration not identified above.
- 3) For all promissory notes or other form of debenture identified above, has there been a renegotiation of the terms and conditions relating to this debt? If there has been, describe the changes made and provide documentation that substantiates these changes. Furthermore, if any payment was late, reduced or is in arrears identify the amount of the payment, the original due date of the payment, and the number of days in arrears.
- 4) Identify if any lawsuit has been filed against the current owner of the assets for activities conducted prior to the acquisition of the assets. In your response, identify the plaintiff(s), defendant(s), the type of action, the docket number of the case, the court in which the case was filed and the present status of the case.
- 5) Identify any indemnification agreement(s) associated with any sale of assets, and state whether there has been any attempt to activate such agreement(s). Describe the circumstances surrounding each attempt to activate such indemnification agreement(s), the current status of each attempt and, if the attempt was resolved, describe the final resolution of each attempt.
- 6) Provide copies of any appraisals and all documents that support the appraisal's findings for each appraisal that was relied upon for any sale of assets as well as any and all appraisals that were conducted during a four-year period that began two years prior to the sale and concluded two years after the sale.

- 7) State the total number of seller's and buyer's employees at the location, and indicate the percentage of seller's employees retained by the buyer at the time of sale.
- 8) Identify the number of people working at such location one year before any sale and one year after any such sale. For those employees who continued to work at such locations after such sale, were sick leave and vacation time accrued prior to the sale carried forward after the sale?
- 9) Identify the number, names and positions held of all senior management officials of the corporation that sold the assets one year before the sale and of the corporation that purchased the assets one year after the sale. Also identify the senior management officials of the seller's business and the buyer's business at the time of sale.
- 10) Identify all plant processes, and/or procedures that were in effect prior to the asset acquisition that were discontinued after the acquisition of the assets. For all discontinued activities, identify when the activities were discontinued.
- 11) Identify the officers, directors, and majority shareholders of the corporation(s) that sold the assets and the corporation(s) that purchased the assets, at the time of sale. If these individuals are different, is there now or was there at the time of sale any relationship between the officers, directors and/or majority shareholders other than that of seller/buyer?
- 12) Identify all persons owning over 5% of the stock in the successor corporation and state their managerial or director roles, if any.
- 13) Identify all intangibles purchased by such asset sales. Your response is to include but not be limited to goodwill, client lists, all trademarks, patents and copyrights as well as exclusive rights to market products, sales territories and rights to fictitious names. Has the value assigned to such intangibles been revalued or discontinued? If yes, describe the date of the action and the circumstances associated with the action.
- 14) Describe the nature of the seller's business and the nature of the buyer's business, including whether the buyer held itself out to the public as the same entity as the seller at the time of sale.
- 15) Identify all plant processes, and/or procedures that were conducted prior to the sale but which took place at a different location after the sale. In your response, identify where the action previously took place and where it re-located. Also identify if the action was conducted at the new location prior to the sale and if any and all equipment acquired during the sale was moved to the new location. If employees previously employed at the old location were utilized at the new location, describe the total number of employees involved in the process at the prior location, the number of



employees involved in the process at the prior location, the number of employees utilized in the process at the new location and the number of employees utilized at the old location that were utilized at the new location.

- 16) Identify all creditors that were advised of any sale of assets prior to the sale.
  - 17) Identify all actions taken to comply with the provisions regarding Bulk Sales Laws.
  - 18) List the addresses of where the seller had conducted business prior to each transaction and where the buyer conducted business following each transaction.
4. Provide the names, titles and areas of responsibility of any persons, including all present and former employees who may be knowledgeable of Bird's scrap metal processing practices, during the period 1975 to 1979. Include current addresses and dates of birth.
  5. Did you file tax returns or financial statements on behalf of Bird at any time from 1975 to the present? If so, please provide copies of those tax returns and financial statements.
  6. Describe in detail when the Portsmouth facility ceased operations, liquidated or dissolved or otherwise changed their operations, and the dates of any such actions.
  7. List the names and former positions or titles of your officers that were officers, directors, shareholders or employees of Bird.
  8. List the names and former positions or titles of any of Bird's employees, shareholders, officers or directors that served as a consultant, or in a consulting capacity, to you. Describe in detail the nature of the consulting relationship.
  9. Describe in detail whether you used any bank, savings and loan or other financial institution with which Bird did business.
  10. Describe in detail whether you used any insurance, surety, bonding etc., which covered Bird's business operations.
  11. List all shipments of scrap materials, including scrap metal, which you received at the Site. Include the date for each transaction, the type and quantity of scrap metal received, the amount paid or collected in connection with each transaction, and the method of payment.
  12. For each shipment of scrap material identified in response to Question 11 above, identify:
    - a. the source of the scrap material;
    - b. the prior use of the scrap material;

- c. whether the scrap material was a collection of homogenous materials;
  - d. whether the scrap material was tested for any hazardous substances upon receipt by you.
13. At the time of the transaction(s) involving scrap materials listed in your response to Question 11, what was the intended disposition of the scrap materials?
  14. What commercial specification grade did the scrap metal listed in your response to Question 11 meet?
  15. After the sale, transfer, delivery, and/or disposal of materials received as identified in your response to Question 11, what portion of the scrap metal listed in your response to Question 11 was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.
  16. Could the scrap metal listed in your response to Question 11 have been used as a replacement or substitute for a virgin raw material? If so, provide details.
  17. Could any of the products that could have been made from the scrap metal listed in your response to Question 11 also have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
  18. Did you process any of the scrap materials sent to your company? If yes, describe the process used and the purpose for subjecting the scrap material to the process.
  19. Was the transaction between you and the scrap metal seller from which you received scrap: 1) an outright sale; 2) the subject of a written or verbal "tolling" agreement between the companies; or 3) the "banking" of the transacted material in a metal account at the seller's request for return or other disposition at a later date.
  20. Describe the efforts you undertook with respect to the management and handling of the scrap materials listed in your response to Question 11.
  21. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, processing, management, or other activities associated with the scrap materials listed in your response to Question 11.
  22. To the extent not identified in Question 11, identify all transactions or agreements for disposal in which your company received any material or item, scrap materials, waste materials, pollutant, or contaminant, including but not limited to copper-bearing material and ash, to the Site.

In addition:

- a. State the dates on which each such person may have given, sold, transferred, or delivered such material.
  - b. Describe the materials or items that may have been given, sold, transferred, or delivered, including the type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.
  - c. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.
  - d. State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.
23. Describe what was done to materials indicated in your response to Question 22 above once they were brought to the Site including any further processing of the materials.
24. For each Information Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.
25. Describe in detail any agreement/contract that Sims Metal Management/Bird has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements you have had with each such company, if any, including the time period of your involvement with such company.
26. Provide all business records pertaining to Sims Metal Management/Bird, to Peck Iron and Metal Company, or to any other company operating at the Site, including:
- a. Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);
  - b. Copies of invoices, manifests, bills-of-lading, purchase orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and
  - c. Copies of all business records pertaining to sale, transfer, delivery, or disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the Site.
  - d. If you are unable to provide any or all of these documents, explain why, and what you did to find them.
27. State the dates during which you operated or leased the Site and provide copies of all documents evidencing or relating to such operation or lease arrangement (e.g., leases).

Be sure to describe the specific real estate to which each lease relates and the activities undertaken at the Site.

28. Describe all activities undertaken at the Site by you for the period that you operated or leased the Site. Identify contractors who performed any work at the Site. Include the dates of each such activity, the nature of the activity and the specific location on the Site of that activity.
29. Provide a description of the construction and/or demolition of any surface or subsurface structure at the Site. Describe the physical layout and characteristics of the Site during the period that you operated or leased the Site. Include buildings, gates, fences, tanks, lagoons, settling ponds, underground tanks, storm water systems, leach fields, septic systems, and groundwater wells. Provide maps and photographs, if available.
30. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:
  - a. the dates of operation;
  - b. the nature of prior operations at the Site;
  - c. all evidence that they controlled access to the Site; and
  - d. all evidence that "wastes" were released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
31. Provide copies of all local, state, and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits; NPDES permits, etc.). Provide copies of any correspondence between you and any regulatory agencies regarding "wastes" transported or disposed at the Site.
32. Provide all documents concerning sampling, testing or other technical or analytical information concerning the surface water, groundwater, soils, sediments, and air at the Site. Describe the nature and scope of all investigations completed, and undertaken.
33. Describe all leaks, spills or releases at the Site that were, or may have been, hazardous, toxic, flammable, reactive, or corrosive and the measures taken to address them.
34. Describe all fires, explosions or similar occurrences at the Site.
35. Provide all documents relating to governmental inspections at the Site during the period that you operated or leased the Site.
36. If you have any information about other parties who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include

the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

37. Provide the names, titles and areas of responsibility of any persons, including all present and former employees, who may be knowledgeable of your scrap material handling practices, during the period that you operated or leased the Site. Include current addresses and dates of birth.
38. Provide copies of any correspondence between you and any third party regarding scrap materials transported to the Site.
39. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
40. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.
41. Identify all individuals who currently have, or who previously had, responsibility for your environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or purchase of wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e., the dates indicating the length of the individual's tenure[s]), the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would know.
42. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
  - a. Your document retention policy;
  - b. A description of how the records were destroyed (burned, archived, discarded, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents; and
  - d. The name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

You must respond in writing to this required submission of information within **ninety (90) calendar days** of your receipt of this letter. The response must be signed by an authorized official.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

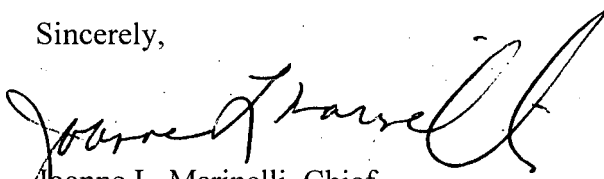
All documents and information should be sent to:

Ms. Joan Martin Banks (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning the Potentially Responsible Party investigation, please contact Civil Investigator Joan Martin Banks at (215) 814-3156. If you have any legal questions, please have your attorney contact Assistant Regional Counsel Jefferie Garcia of EPA's Office of Regional Counsel at (215) 814-2697.

Sincerely,



Joanne L. Marinelli, Chief  
Cost Recovery Branch

Enclosures:

1. List of Contractors That May Review Your Response
2. Site Location Map

cc: Jefferie Garcia, Esq., (3RC42)  
Laura Johnson, RPM, (3HS23)  
Erica Dameron, VA DEQ

## Enclosure 1

[rev. 10/2010]

### List of Contractors That May Review Your Response

**Artic Slope Regional Corporation**

Contract # EP-W-05-052

Subcontractor: Booz-Allen & Hamilton

**Booz-Allen & Hamilton**

Contract # GS-35F-0306J (GSA Schedule)

**CDM-Federal Programs Corporation**

Contract # EP-S3-07-06

Subcontractors: L. Robert Kimball & Associates Inc.  
Page Technologies Inc.  
Avatar Environmental LLC  
Terradon Corporation

**Chenega Global Services, LLC**

Contract #EP-S3-09-02

**EA Engineering, Science and Technology, Inc.**

Contract #EP-S3-07-07

Subcontractor: URS

**Eisenstein Malanchuck, LLP**

Contract #EP-W-07-079

Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated  
MacRae & Company, Inc.

**Guardian Environmental Services**

Contract # EP-S3-07-02

Subcontractor: Aerotech, Inc.  
Guardian Equipment

**Hydrogeologic (HGL)**

Contract #EP-S3-07-05

Subcontractor: CH2MHill  
Sullivan International

**Kemron**

Contract # EP-S3-07-03

Subcontractor: Clean Venture/Cycle Chem Inc.  
CMC Inc.  
Los Alamos Technical Associates,  
Inc.  
Carlucci Construction

**Weston Solutions**

Contract #EP-S3-1005

**Tech Law, Inc.**

Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**

Contract #EP-S3-07-04

**WRS Infrastructure & Environment, Inc.**

Contracts # EP-S3-07-01 and #EP-S3-07-09

Subcontractors: AEG Environmental  
Environmental Staffing  
Veolia Environmental Services  
Lewis Environmental Group

**Industrial Economics, Inc.**

Contract # EP-W-06-092

**Cooperative Agreements**

**National Association of Hispanic Elderly**

#CQ-832815

#CQ 83424401

# Peck Iron and Metal Site Enclosure

